



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**SUBDIVISION REVIEW BOARD**

*Promoting the wise use of land  
Helping build great communities*

<b>MEETING DATE</b> May 4, 2015	<b>CONTACT/PHONE</b> Megan Martin (805) 781-4163 mamartin@co.slo.ca.us	<b>APPLICANT</b> James Stevens	<b>FILE NO.</b> CO 14-0053 SUB2013-00074
<b>SUBJECT</b> A request by James Stevens for a Tentative Parcel Map (CO14-0053) to subdivide an existing approximately 5.04 acre parcel into two parcels of 2.52 acres and 2.52 acres each for the purpose of sale and/or development. The proposed project is located within the Residential Suburban land use category at 9522 Los Palos Road, approximately 900 feet north from the intersection of Los Palos Road and Santa Clara Road and approximately 0.58 miles from the City of Atascadero. The site is in the Salinas River sub-area of the North County planning area.			
<b>RECOMMENDED ACTION</b> Approve Tentative Parcel Map CO14-0053 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
<b>ENVIRONMENTAL DETERMINATION</b> A General Rule Exemption was issued on April 1, 2015 (ED14-003)			
<b>LAND USE CATEGORY</b> Residential Suburban	<b>COMBINING DESIGNATION</b> N/A	<b>ASSESSOR PARCEL NUMBER</b> 059-091-005	<b>SUPERVISOR DISTRICT(S):</b> 5
<b>PLANNING AREA STANDARDS:</b> 22.94.080B – City of Atascadero Planning Impact Area 22.94.082H – Residential Suburban			
<b>LAND USE ORDINANCE STANDARDS:</b> 22.10.120 – Noise Standards 22.10.140 – Setbacks 22.22.070 – Subdivision Design Standards (Residential Suburban) 22.24.080 – Transfer of Development Credits			
<b>EXISTING USES:</b> Single family residence			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> <i>North:</i> Residential Suburban / Residences <i>East:</i> Residential Suburban / Residences <i>South:</i> Residential Suburban / Residences <i>West:</i> Residential Suburban / Residences			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small>			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Air Pollution Control board (APCD), General Services/Parks, Cal Fire, Santa Margarita Fire, City of Atascadero, Santa Margarita Area Advisory Council	
TOPOGRAPHY: Level to gently rolling	VEGETATION: Grasses, ornamental landscaping, eucalyptus
PROPOSED SERVICES: Water supply: Community system / Atascadero Mutual Water Company Sewage Disposal: Individual septic system Fire Protection: Cal Fire	ACCEPTANCE DATE: November 12, 2014

## NORTH COUNTY PLANNING AREA STANDARDS

### Salinas River Sub-area Standards

#### Section 22.94.080(B) - Planning Impact Area

According to Section 22.94.080(B), the proposed land division falls within the Planning Impact Area of the City of Atascadero and was referred to the City of Atascadero for review and comment. No comments were received.

#### Section 22.94.080(H) – Residential Suburban

The following standards apply within the Residential Suburban land use category of the Salinas River Sub-area of the North County Planning Area:

1. Minimum parcel size – Atascadero Colony. For new land divisions, the maximum number of residential lots allowed shall be computed on the basis of one lot per a minimum parcel size of 2.5 acres.

*Staff Response: The proposed project will create two parcels of 2.5 acres each.*

2. Driveway consolidation. Shared driveways are encouraged between parcels for access to individual residences to minimize the number of access points to the street.

*Staff Response: The proposed project will utilize a shared driveway with the neighboring lot (APN 059-091-026) to access the proposed parcel. A 25' wide reciprocal access easement and maintenance agreement will be required (DOC. 1995-003351).*

## TITLE 21 - REAL PROPERTY DIVISION ORDINANCE

#### Section 21.03.010 – Design Criteria

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of the Title 21 of the Real Property Division Ordinance.

#### Section 21.090 – Quimby Fees

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

*Staff Response: The project is conditioned to pay the required fees.*  
**TITLE 22 – LAND USE ORDINANCE**

**22.10.120 – Noise Standards**

Section 22.10.120 establishes standards for acceptable exterior and interior noise levels and describes how noise shall be measured, consistent with the County's Noise Element. The Noise Element of the County General Plan provides a policy framework within which potential future noise impacts are minimized. According to the Table 3-1 of the Noise Element, the maximum allowable exposure to transportation noise sources for residential parcels is 60 decibel (dB) for outdoor areas, and 45 decibel for interior spaces. Transportation noise sources include traffic on state highways or major roadways, railroad operations, airport operations, industrial, commercial and agricultural activities.

*Staff Response: The proposed project is adjacent to railroad tracks which run contiguous to the rear of proposed Parcel 2 (vacant). Based on the close proximity to the railroad, it is assumed that a portion of proposed Parcel 2 will exceed the county's 60 dB threshold for residential noise exposure. Per the County's Noise Element, future development will be subject to noise standards to meet the allowable noise exposure levels during building permit review.*

**22.10.140 – Setbacks**

Section 22.10.140 of the Land Use Ordinance establishes the following setback standards for properties larger than one acre within rural areas:

Location	Setback
Front	25 foot minimum for all structures higher than 3 feet
Side	30 foot minimum (3 feet min. for accessory buildings/structures)
Rear	30 foot minimum (3 feet min. for accessory buildings/structures)

*Staff Response: The proposed Parcel 2 (vacant) has adequate buildable area to meet the applicable setbacks. Any new residence will be required to meet these setbacks through building permit review. The proposed Parcel 1 has an existing residence and garage, which have conforming side setbacks. The proposed lot split does not affect the existing house and garage configuration and remains equal to the existing situation.*

**22.22.070 – Minimum Parcel Size**

Section 22.22.070 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Residential Suburban land use category. The standards are based on the topography of the site and the type of water supply and sewage disposal. Minimum parcel size is based on the largest parcel size as calculated by a slopes test and water supply and sewage disposal test.

TEST	STANDARD	MINIMUM PARCEL SIZE
Slope	Average slope is between 0 and 10 %	1 acres
Water Supply and Sewage Disposal	Community water On-site septic	1 acres

*Staff Response: The proposed project relies upon the Salinas River Sub-area standards for Atascadero Colony for determining minimum parcel size. The proposed parcels are 2.5 acres each, which meets the minimum parcel size requirement per the Salinas River Sub-area standards. Refer to Section 22.94.080(H) for further discussion.*

22.24.080 – Transfer of Development Credits

Land Use Ordinance Section 22.22.020(D) and 22.24.070(B)(2) requires the transfer of a development credit for any land division located outside of a village or urban reserve area.

The County's TDC program was adopted in 1996 as a land use planning tool which allows for the movement (transfer) of development from one parcel of land to another; from a "sending" site to a "receiving" site. The overall goal of the program is to move development to locations that can better support it. The Board of Supervisors amended the Ordinance in 2011, adding language to require the retirement of a TDC credit for any land division (parcel map or tract map) when located outside of an urban or village reserve line.

Section 22.24.070(B)(3) provides an exception to the requirement for a TDC where the Review Authority first finds that: "Retirement of credits is unnecessary due to specific circumstances applicable only to the subject site (for example if credits are not available within the area defined in Section 22.24.080)".

Section 22.24.080 requires that the source of the credits be located within the same geographical area. The "North County" geographical area is defined as sites located within Nacimiento, Adelaida, Salinas River and El Pomar-Estrella sub areas.

*Staff Response: The project site is located within the Salinas River Sub-area outside of an urban or village area. Currently, there are credits available from an existing sending site located in the Adelaida Area which is in compliance with 22.24.080. Staff is unable to find that there are any existing circumstances which deem the credits unnecessary. The project, as conditioned, is required to retire one (1) credit.*

Section 22.12.080 - Inclusionary Housing Fees

Title 29, the Affordable Housing Fund, establishes an in-lieu fee to create a fund that would help to meet, in part, the housing needs of the County's very low, low, moderate income and workforce households. Section 22.12.080 of Title 22, the Land Use Ordinance, describes the options the applicant may choose to satisfy the requirement.

*Staff Response: Only one new parcel will result from the parcel map. The map will not be subject to this fee because it is below the threshold in Section 22.12.080(B)(2)(k).*

**COMMUNITY ADVISORY GROUP COMMENTS:**

The Santa Margarita Advisory Council is in support of the proposed lot split.

**AGENCY REVIEW:**

Public Works – "The Tentative Map is in compliance with 21.02.046(a)." (Doug Rion, August 13, 2014). In addition, Public Works provided recommended conditions of approval for access and improvements, easements, and additional map sheet. These conditions have been included in Exhibit B – Conditions of Approval.

Environmental Health – Preliminary Health Clearance letter issued June 4, 2014.

Air Pollution Control board (APCD) – "The Climate Action Plan recommends that areas outside the urban/village reserve lines be retained as open space, agriculture and very low-density

residential development; therefore, the APCD does not support this project or this type of development.” (Andy Mutziger, June 30, 2014.)

*Staff Response: The proposed project is located within the Residential Suburban land use category in Atascadero Colony in the Salinas River Sub-area. The proposed parcel map meets the minimum parcel size requirements for Atascadero Colony of 2.5 acres. The “character” of the residential suburban land use category is described as “areas at the outer portions of communities where open space is prominent, with residences on parcels ranging from one to five acres in size.” The two proposed 2.5 acre parcels are consistent with those in the immediate area and can be considered compatible with the character of the residential suburban land use category.*

General Services/Parks – Require Quimby Fees.

*Staff Response: The project, as conditioned, is required to pay Quimby Fees.*

Cal Fire – A Fire Review Plan was received on July 7, 2014.

Santa Margarita Fire – None received.

City of Atascadero – None received.

#### LEGAL LOT STATUS:

The parent lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Megan Martin and reviewed by Terry Wahler and Steve McMasters.